

BLACK HILLS NATIONAL FOREST AND ROCKY MOUNTAIN  
RESEARCH STATION IMPROVEMENT ACT

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SEPTEMBER 6, 2000.—Committed to the Committee of the Whole House on the State  
of the Union and ordered to be printed

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Mr. YOUNG of Alaska, from the Committee on Resources,  
submitted the following

REPORT

[To accompany H.R. 4226]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 4226) to authorize the Secretary of Agriculture to sell or exchange all or part of certain administrative sites and other land in the Black Hills National Forest and to use funds derived from the sale or exchange to acquire replacement sites and to acquire or construct administrative improvements in connection with the Black Hills National Forest, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Black Hills National Forest and Rocky Mountain Research Station Improvement Act”.

**SEC. 2. SALE OR EXCHANGE OF LAND, BLACK HILLS NATIONAL FOREST, SOUTH DAKOTA.**

(a) IN GENERAL.—The Secretary of Agriculture (referred to in this section as the “Secretary”) may, under such terms and conditions as the Secretary may prescribe, sell or exchange any right, title, and interest of the United States in and to the approximately 362 acres contained in the following parcels of land in the State of South Dakota:

(1) Tract BLKH-1 “Spearfish Dwelling” (approximately 0.24 acres); N½ of Lot 8 and Lot 9 of Block 16, Section 10, T6N, R2E, Black Hills Meridian.

(2) Tract BLKH-2 “Deadwood Garage” (approximately 0.12 acres); Lots 9 and 11 of Block 34, Section 23, T5N, R3E, Black Hills Meridian.

(3) Tract BLKH-3 “Deadwood Dwellings” (approximately 0.32 acres); Lots 12-16, inclusive, of Block 44, Section 23, T5N, R3E, Black Hills Meridian.

(4) Tract BLKH-4 “Hardy Work Center” (approximately 150 acres); E½SW¼SE¼, SE¼SE¼, Section 19; NE¼NW¼NE¼, E½NE¼SE¼, E½SE¼NE¼, NE¼NE¼, Section 30, T3N, R1E, Black Hills Meridian.

(5) Tract BLKH-6 “Pactola Work Center” (approximately 100 acres);  $W\frac{1}{2}SW\frac{1}{4}NW\frac{1}{4}$ ,  $W\frac{1}{2}NW\frac{1}{4}SW\frac{1}{4}$ ,  $W\frac{1}{2}SW\frac{1}{4}SW\frac{1}{4}$ ,  $SE\frac{1}{4}SW\frac{1}{4}SW\frac{1}{4}$ , Section 25;  $E\frac{1}{2}NE\frac{1}{4}SE\frac{1}{4}$ ,  $SE\frac{1}{4}SE\frac{1}{4}NE\frac{1}{4}$ , Section 26, T2N, R5E, Black Hills Meridian.

(6) Tract BLKH-7 “Pactola Ranger District Office” (approximately 8.25 acres); Lot 1 of Ranger Station Subdivision, Section 4, T1N, R7E, Black Hills Meridian.

(7) Tract BLKH-8 “Reder Administrative Site” (approximately 82 acres); Lots 6 and 7, Section 29; Lot A of Reder Placer, Lot 19,  $NW\frac{1}{4}SE\frac{1}{4}NE\frac{1}{4}$ , Section 30, T1S, R5E, Black Hills Meridian.

(8) Tract BLKH-9 “Allen Gulch Properties” (approximately 21 acres); Lot 14 less and except Tract STA #0029, Section 25, and Lot 1, Section 36, T1S, R4E, Black Hills Meridian.

(9) Tract BLKH-10 “Custer Ranger District Office” (approximately 0.39 acres); Lots 4 and 9 of Block 125 and the East 15 feet of the vacated north/south alley adjacent to Lot 4, City of Custer, Section 26, T3S, R4E, Black Hills Meridian.

(b) TECHNICAL CORRECTIONS.—The Secretary may make technical corrections to the legal descriptions in paragraphs (1) through (9) of subsection (a).

(c) APPLICABLE AUTHORITIES.—Except as otherwise provided in this section, any sale or exchange of land described in subsection (a) shall be subject to laws (including regulations) applicable to the conveyance and acquisition of land for National Forest System purposes.

(d) CASH EQUALIZATION.—Notwithstanding any other provision of law, the Secretary may accept cash equalization payments in excess of 25 percent of the total value of the land described in subsection (a) from any exchange under subsection (a).

(e) SOLICITATIONS OF OFFERS.—

(1) IN GENERAL.—In carrying out this section, the Secretary may use solicitations of offers for sale or exchange under this section on such terms and conditions as the Secretary may prescribe.

(2) REJECTION OF OFFERS.—The Secretary may reject any offer under this section if the Secretary determines that the offer is not adequate or not in the public interest.

(f) DISPOSITION OF FUNDS.—Any funds received by the Secretary from a sale under this section or as cash equalization payments from an exchange under this section—

(1) shall be deposited into the fund established by Public Law 90-171 (commonly known as the “Sisk Act”) (16 U.S.C. 484a); and

(2) shall be available for expenditure, on appropriation, for—

(A) the acquisition from willing sellers of land and interests in land in the State of South Dakota; and

(B) the acquisition or construction of administrative improvements in connection with the Black Hills National Forest.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

### SEC. 3. REPLACEMENT LABORATORY, ROCKY MOUNTAIN RESEARCH STATION, RAPID CITY, SOUTH DAKOTA.

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary of Agriculture \$2,100,000 for a laboratory facility for the Rocky Mountain Research Station in Rapid City, South Dakota, to replace the obsolete laboratory capability at the research station. The replacement facility shall be colocated with at least one of the administrative improvements for the Black Hills National Forest acquired or constructed under the authority of section 2(f)(2)(B).

(b) CONDITIONS ON ACQUISITION OF PROPERTY.—No funds available to carry out this section may be used to purchase or otherwise acquire property unless—

(1) the acquisition is from willing sellers; and

(2) the property is located within the boundaries of the State of South Dakota.

### PURPOSE OF THE BILL

The purpose of H.R. 4226 is to authorize the Secretary of Agriculture to sell or exchange all or part of certain administrative sites and other land in the Black Hills National Forest and to use funds derived from the sale or exchange to acquire replacement sites and to acquire or construct administrative improvements in connection with the Black Hills National Forest.

## BACKGROUND AND NEED FOR LEGISLATION

H.R. 4226 would allow the Secretary of Agriculture to sell or exchange certain National Forest System lands located in the State of South Dakota for the purpose of upgrading and relocating U.S. Forest Service administrative sites within the Black Hills National Forest. The bill would require that any land purchased be from a willing seller, authorize \$2.1 million for the construction of a branch of the Rocky Mountain Research Station, and encourage the Secretary to co-locate the facility in or near Rapid City, South Dakota.

The Rocky Mountain Research Station Center for Great Plains Ecosystem Research needs to replace the research lab located in Rapid City, South Dakota. In a recent review of all U.S. Department of Agriculture research facilities (“Report of the Strategic Planning Task Force on USDA Research Facilities—Report and Recommendations”), the on-site team reported that the Rapid City laboratory was in major need of repair, is not handicap accessible, does not meet OSHA regulations, and is inadequate to support the mission of the unit. In fact, the facility was among the lowest-ranked facilities in the report. The laboratory is constantly in need of repair, and a new facility would be more cost-efficient in the long-term than repairing the existing facility.

The Forest Service is interested in upgrading and relocating some administrative offices in the Black Hills National Forest and would like to co-locate the Rapid City research laboratory with one of the new administrative buildings. This idea is supported by the Rapid City Area Chamber of Commerce and the Black Hills Regional Multiple Use Coalition, which represents roughly 46 different multiple-use organizations in and around the Black Hills.

Congressional action is required for land exchanges and conveyances within National Forests as well as to provide the authorization for relocation funding needed to complete the portion of construction for the Rapid City branch of the Rocky Mountain Research Station.

## COMMITTEE ACTION

H.R. 4226 was introduced on April 10, 2000, by Congressman John R. Thune (R-SD). The bill was referred to the Committee on Resources and within the Committee to the Subcommittee on Forests and Forest Health. The Subcommittee held a hearing on May 3, 2000. On May 16, 2000, the Subcommittee met to consider the bill. Congressman Helen Chenoweth-Hage (R-ID) offered an amendment to identify the sites to be relocated, encourage the Secretary to co-locate the Rapid City branch lab with a new administrative site, and authorize funds for the purchase of land for the lab only if the land is on or adjacent to a new administrative site. The amendment was adopted by voice vote. On July 26, 2000, the Full Committee met to consider the bill. The bill, as amended, was ordered favorably reported to the U.S. House of Representatives by unanimous consent with a further technical amendment.

## COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Re-

sources' oversight findings and recommendations are reflected in the body of this report.

#### CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 and Article IV, section 3 of the Constitution of the United States grant Congress the authority to enact this bill.

#### COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in tax expenditures. According to the Congressional Budget Office, enactment of this bill would increase offsetting receipts by \$1 million per year in 2001 and 2002.

3. Government Reform Oversight Findings. Under clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the Committee has received no report of oversight findings and recommendations from the Committee on Government Reform on this bill.

4. Congressional Budget Office Cost Estimate. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, August 7, 2000.*

Hon. DON YOUNG,  
*Chairman, Committee on Resources,  
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 4226, the Black Hills National Forest and Rocky Mountain Research Station Improvement Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Megan Carroll.

Sincerely,

ROBERT A. SUNSHINE  
(For Dan L. Crippen, Director).

Enclosure.

*H.R. 4226—Black Hills National Forest and Rocky Mountain Research Station Improvement Act*

CBO estimates that implementing H.R. 4226 would increase offsetting receipts by about \$1 million a year in 2001 and 2002, and result in additional discretionary spending of about \$4 million over the 2002–2005 period, assuming appropriation of the necessary amounts. Because the bill would affect offsetting receipts (a credit against direct spending), pay-as-you-go procedures would apply. H.R. 4226 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would have no significant impact on the budgets of state, local, or tribal governments.

H.R. 4226 would authorize the Secretary of Agriculture to sell or exchange about 362 acres of land in the Black Hills National Forest in South Dakota, and to accept cash equalization payments up to the full value of the land. (Under current law, cash equalization payments in a land exchange of unequal value may not exceed 25 percent of the total value of the land.) Based on information from the Forest Service, CBO estimates that enacting the bill would result in receipts of about \$2 million over the 2001–2002 period from the sale of the land.

Any funds received by the Forest Service under H.R. 4226 would be deposited into the Sisk Act Fund. H.R. 4226 would authorize the use of such deposits, subject to appropriation, to acquire land in South Dakota or to construct improvements in the Black Hills National Forest. Based on information from the Forest Service, CBO estimates that, under that provision, the agency would spend \$2 million over the 2002–2005 period, assuming appropriation of the necessary amounts.

H.R. 4226 also would authorize the appropriation of \$2.1 million for a new laboratory facility at the Rocky Mountain Research Station in Rapid City, South Dakota. Based on information from the Forest Service, CBO estimates that the agency would spend \$1 million a year in 2002 and 2003 to construct the new facility, assuming appropriation of the authorized amount.

On October 29, 1999, CBO transmitted a cost estimate for S. 1599, similar legislation as ordered reported by the Senate Committee on Energy and Natural Resources on October 20, 1999. Differences between our estimates in the timing of receipts and outlays reflect different assumptions about when the legislation would be enacted. Further, the Senate version does not authorize appropriations for a new laboratory.

The CBO staff contact is Megan Carroll. This estimate was approved by Robert A. Sunshine, Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104–4

This bill contains no unfunded mandates.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.

